

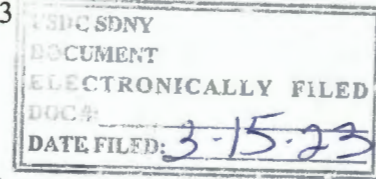


U.S. Department of Justice

MEMO ENDORSED

United States Attorney
Southern District of New YorkThe Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 13, 2023

**By ECF**The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007**Re: United States v. Danzel Mackins, et al., S2 21 CR 424 (LAK)**

Dear Judge Kaplan,

The Government submits this letter on behalf of the parties to request respectfully an adjournment of the trial scheduled for May 1, 2023 and a parallel extension of the pretrial motion schedule. When the parties were last before the Court on October 12, 2023, the Government expected its internal deliberations over whether to seek authorization for the death penalty against Defendant Danzel Mackins and Defendant Darrin Samuels would conclude promptly and resolve the issue of the death penalty in this case as of the end of January 2023. These deliberations were prolonged, however, because one of the perpetrators of the murder of Felton Durant on April 25, 2021, with which Mr. Mackins and Mr. Samuels are charged in Count Three of the S2 Indictment, is charged not here but in state court proceedings in Brooklyn, New York. In the interim since last year, the Government and its state counterparts have remained in communication over the ongoing state court proceedings and whether the charges should remain split. Although the federal and state cases will continue to run in parallel at this time, as the Government has communicated to the other parties, the Government now expects with confidence that the position of the Government on the death penalty will be reached and noticed as of the week of Monday, April 10, 2023.

For reasons counsel to Mr. Mackins and Mr. Samuels have previously conveyed, those defendants respectfully request not to file any remaining pretrial motions on issues not earlier ripe for adjudication until the issue of the death penalty is settled. Because of the delay in resolving that issue, the resulting condensed pretrial timeframe, and the substantial interest of the public and the defendants in a speedy trial for all defendants achieved with the greatest possible judicial economy, the parties respectfully propose the following revised schedule (contingent on the removal of the death penalty as a possible sentence) for pretrial motions and trial, for which the Government now expects its case in chief will run approximately one week:

Defense Pretrial Motions	May 15, 2023
Government Response	May 29, 2023
Defense Reply	June 5, 2023
Oral Argument	On or About June 19, 2023
Trial	June 26, 2023

As of May 15, 2023, if one or more defendants are proceeding to trial, the remaining parties will propose a schedule for any other pretrial submissions to the Court. At this time, it is possible that counsel to Defendant Jamel Williams will have a conflict due to another trial previously scheduled for in or about July 2023; however, given the uncertainty surrounding the trajectory of both cases, counsel to Mr. Williams and the Government will similarly raise any issue that has crystallized by May 15, 2023.

Finally, with the consent of all defendants, the Government respectfully requests that the Court exclude time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7) from May 1, 2023 through the date of any trial adjournment on the basis that the interests of the public and the defendants in a single speedy trial are outweighed here by the interests of certain defendants in having certainty over their eligibility for the death penalty in sufficient advance of any trial and the opportunity for all defendants to prepare for trial with their counsel and also to consider the possibility of any pretrial disposition.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

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cc: All Counsel (by ECF)

The proposed dates for all papers on any defense pretrial motions are adopted but not the other proposed dates.

Time is excluded to and including the trial date for reasons stated above.

SO ORDERED

Lewis A. Kaplan
LEWIS A. KAPLAN, USJD